

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

CHANEL, INC., a New York)
Corporation,) CASE NO. 1:24-CV-00114-JB-M
)
Plaintiff,)
)
v.)
)
DANYELL BENNETT PETTWAY)
d/b/a 1 OF A KIND DIVA)
BOUTIQUE,)
)
Defendant.)

CONSENT FINAL JUDGMENT AND PERMANENT INJUNCTION

Plaintiff Chanel, Inc. (“Plaintiff” or “Chanel”) and Defendant, Danyell Bennett Pettway d/b/a 1 of a kind Diva boutique (“Defendant”) (collectively, the “Parties”), acting by and through counsel on the Joint Motion for Entry of Consent Final Judgment and Permanent Injunction (the “Motion”) [Doc. 14], stipulate to this judgment and permanent injunction upon consent (the “Judgment”) as follows:

WHEREAS, Chanel owns the registered trademarks under the marks  and CHANEL as identified in Paragraph 23 of Chanel’s Complaint and identified below: Chanel is the owner of the following trademarks (collectively, the “Chanel Marks”):

| Trademark | Registration Number | Registration Date | Classes/Goods |
|-----------|---------------------|-------------------|--|
| CHANEL | 0,626,035 | May 1, 1956 | IC 018 - Women’s Handbags |
| CHANEL | 0,902,190 | November 10, 1970 | IC 014 - Bracelets, Pins, and Earrings |
| CHANEL | 1,177,400 | November 10, 1981 | IC 025 - Hats, Shawls and Belts |

| | | | |
|---|-----------|-------------------|--|
|  | 1,241,264 | June 7, 1983 | IC 025 - Suits, Jackets, Skirts, Dresses, Pants, Blouses, Tunics, Sweaters, Cardigans, Tee-Shirts, Coats, Raincoats, Scarves, Shoes and Boots |
| CHANEL | 1,241,265 | June 7, 1983 | IC 025 - Suits, Jackets, Skirts, Dresses, Pants, Blouses, Tunics, Sweaters, Cardigans, Coats, Raincoats, Scarves, Shoes and Boots |
|  | 1,314,511 | January 15, 1985 | IC 018 - Leather Goods-Namely, Handbags |
| CHANEL | 1,347,677 | July 9, 1985 | IC 018 - Leather Goods-Namely, Handbags |
|  | 1,501,898 | August 30, 1988 | IC 006 - Keychains IC 014 - Costume Jewelry IC 025 - Blouses, Shoes, Belts, Scarves, Jackets, Men's Ties IC 026 - Brooches and Buttons for Clothing |
| CHANEL | 1,733,051 | November 17, 1992 | IC 018 - Leather Goods; namely, Handbags, Wallets, Travel Bags, Luggage, Business and Credit Card Cases, Change Purses, Tote Bags, Cosmetic Bags Sold Empty, and Garment Bags for Travel |
|  | 1,734,822 | November 24, 1992 | IC 018 - Leather Goods; namely, Handbags, Wallets, Travel Bags, Luggage, Business Card Cases, Change Purses, Tote Bags, and Cosmetic Bags Sold Empty |
| RUE CAMBON | 2,964,843 | July 5, 2005 | IC 018 - Handbags |
|  | 3,025,936 | December 13, 2005 | IC 009 - Eyeglass Frames, Sunglasses IC 025 - Gloves, Swimwear IC 026 - Hair Accessories, namely, Barrettes |
| CHANEL | 3,133,139 | August 22, 2006 | IC 014 - Jewelry and Watches |

| | | | |
|---|-----------|--------------------|---|
| CHANEL | 3,134,695 | August 29, 2006 | IC 009 - Eyeglass Frames, Sunglasses, Sunglass Parts, Cases For Spectacles and Sunglasses IC 025 - Swimwear, Stockings IC 026 - Hair Accessories, Namely, Barrettes IC 028 - Bags Specially Adopted For Sports Equipment, Tennis Rackets, Tennis Balls, Tennis Racket Covers |
| N°5 | 3,149,203 | September 26, 2006 | IC 014 - Jewelry |
| CHANEL | 3,890,159 | December 14, 2010 | IC 009 - Cases for Telephones IC 018 - Key Cases |
|  | 4,074,269 | December 20, 2011 | IC 009 - Protective Covers for Portable Electronic Devices, Handheld Digital Devices, Personal Computers and Cell Phones IC 018 - Key Cases |
|  | 4,241,822 | November 13, 2012 | IC 025 - For Clothing, namely, Coats, Jackets, Dresses, Tops, Blouses, Sweaters, Cardigans, Skirts, Vests, Pants, Jeans, Belts, Swim Wear, Pareos, Hats, Scarves, Ties, Gloves, Footwear, Hosiery |

WHEREAS, the Parties have amicably resolved their dispute to each of their satisfaction; and

WHEREAS, based upon Chanel's good faith prior use of the Chanel Marks, Chanel has superior and exclusive rights in and to the Chanel Marks in the United States and any confusingly similar name or mark.⁶⁷⁸

IT IS STIPULATED, ORDERED, ADJUDGED AND DECREED that:

1. The Parties' Motion [Doc. 14] is hereby GRANTED.
2. The Defendant, and its officers, agents, representatives, servants, and employees, and all persons in active concert and participation with Defendant via (i) any Facebook page,

including, but not limited to the Facebook pages operating under the names “Danyell Bennett Pettway,” and “1 of a kind Diva boutique,” and “24/7 Go Live”; (ii) the “divatimenow” Instagram and TikTok account; and (iii) any other associated platforms, accounts, websites, and/or domain names not specifically identified herein, are hereby permanently restrained and enjoined from intentionally and/or knowingly:

- A. manufacturing or causing to be manufactured, importing, displaying, advertising, or promoting, distributing, selling or offering to sell counterfeit and/or infringing goods bearing the Chanel Marks;
- B. using the Chanel Marks, or any mark or trade dress similar thereto, in connection with the sale of any unauthorized goods;
- C. using any logo, trade name, trademark, or trade dress which may be calculated to falsely advertise the services or products of Defendant as being sponsored by, authorized by, endorsed by, or in any way associated with Plaintiff;
- D. falsely representing Defendant as being connected with the Plaintiff, through sponsorship or association,
- E. engaging in any act which is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of Defendant are in any way endorsed by, approved by, and/or associated with Plaintiff;
- F. using any reproduction, counterfeit, infringement, copy, or colorable imitation of the Chanel Marks in connection with the publicity, promotion, sale, or advertising of any goods sold by Defendant, including, without limitation, clothing, including handbags, scarves, hats, clothing, and other goods;

G. affixing, applying, annexing, or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent Defendant's goods as being those of Plaintiff, or in any way endorsed by Plaintiff, and from offering such goods in commerce; and

H. otherwise unfairly competing with Plaintiff;

I. secreting, destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importing, manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, or displaying of all unauthorized products which infringe the Chanel Marks; and

J. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (A) through (I).

3. Plaintiff shall have the right to seek sanctions for contempt, compensatory damages, injunctive relief, attorneys' fees, costs, and such other relief deemed proper in the event of a violation or failure by Defendant to comply with any of the provisions hereof. The prevailing party in any such proceeding shall be entitled to recover its attorney's fees and costs.

4. The Parties shall each bear their own attorney's fees and costs incurred in connection with this action.

5. All products bearing one or more of the Chanel Marks at issue currently in the possession, custody and/or control of the Defendant shall be surrendered to Chanel and destroyed at the direction of Chanel.

6. Any pending motions are **DENIED** as moot.

DONE and ORDERED this 10th day of October, 2024.

/s/ JEFFREY U. BEAVERSTOCK
CHIEF UNITED STATES DISTRICT JUDGE

CONSENTED TO BY THE FOLLOWING COUNSEL OF RECORD:

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